MEETING OF THE

DISTRICT OF COLUMBIA STATEHOOD
CONSTITUTIONAL CONVENTION

- - -

Tuesday, February 9, 1982

6:35 p.m.

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LILLIAN J. HUFF, Chair
WILLIAM B. COOPER, Secretary
WARNER LAWSON, Parliamentarian

Ninth Floor Auditorium
10th and E Streets, Northwest
Washington, D. C.

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P R O C E E D I N G S

(6:38 p.m.)

THE CHAIR: Will the delegates please come to order? Now, you're going to have to keep quiet tonight. May I have your attention, please? We have no microphones, so you're going to have to keep quiet in order to pay attention to know what's going on, so you won't have to scream and holler. The acoustics aren't the best, so I'm going to ask your indulgence.

We're going to get started. It would appear we have a quorum. We're going to first have the roll call, and immediately following the Secretary calling the roll -- see, now, that's why you don't know what's going on because you won't stop and listen.

Immediately after the roll call, based on some of the discussion last night, we do have a report by Ms. Mason for your information. We'll have that and then we'll get right down back to the agenda.

Mr. Cooper?

MR. COOPER: Delegate Baldwin?

MR. BALDWIN: Here.

MR. COOPER: Delegate Barnes?

MR. BARNES: Present.

MR. COOPER: Delegate Blount?

MR. BLOUNT: Present.

MR. COOPER: Delegate Bruning?

MR. BRUNING: Here.

MR. COOPER: Delegate Cassell?

MR. CASSELL: Present.

MR. COOPER: Delegate Clark?

(No response.)

MR. COOPER: Delegate Coates?

MR. COATES: Thank you, sir.

(Laughter.)

MR. COOPER: Delegate Cooper, here.

Delegate Corn?

MS. CORN: Here.

MR. COOPER: Delegate Croft?

MR. CROFT: Present.

MR. COOPER: Delegate Eichhorn?

MS. EICHHORN: Here.

MR. COOPER: Delegate Feeley?

(No response.)

MR. COOPER: Delegate Freeman?

(No response.)

MR. COOPER: Delegate Garner?

MR. GARNER: Here.

MR. COOPER: Delegate Graham?

MS. GRAHAM: Here.

MR. COOPER: Delegate Harris?

MS. HARRIS: Here.

MR. COOPER: Delegate Holmes?

MS. HOLMES: Here.

MR. COOPER: Delegate Jackson?

MR. JACKSON: Here.

MR. COOPER: Delegate Johnson?

MS. JOHNSON: Present.

MR. COOPER: Delegate Jones?

MS. JONES: Here.

MR. COOPER: Delegate Jordan?

MR. JORDAN: Here.

MR. COOPER: Delegate Kameny?

MR. KAMENY: Here.

MR. COOPER: Delegate Lockridge?

MS. LOCKRIDGE: Here.

MR. COOPER: Delegate Long?

(No response.)

MR. COOPER: Delegate Love?

(No response.)

MR. COOPER: Delegate Maguire?

MS. MAGUIRE: Here.

MR. COOPER: Delegate Marcus?

MR. MARCUS: Good evening, and welcome to our new headquarters.

MR. COOPER: Delegate Charles Mason?

MR. C. MASON: Here.

MR. COOPER: Delegate Hilda Mason?

MS. H. MASON: Here.

MR. COOPER: Delegate Brian Moore?

MR. B. MOORE: Present.

MR. COOPER: Delegate Jerry Moore?

MR. J. MOORE: Present.

MR. COOPER: Delegate Talmadge Moore?

MR. T. MOORE: Here.

MR. COOPER: Delegate Nahikian?

MS. NAHIKIAN: Here.

MR. COOPER: Delegate Nixon?

MR. NIXON: Here.

MR. COOPER: Delegate Oulahan?

MR. OULAHAN: Here.

MR. COOPER: Delegate Paramore?

(No response.)

MR. COOPER: Delegate Robinson?

(No response.)

MR. COOPER: Delegate Rothschild?

(No response.)

MR. COOPER: Delegate Schrag?

MR. SCHRAG: Here.

MR. COOPER: Delegate Shelton?

MS. SHELTON: Here.

MR. COOPER: Delegate Simmons?

MS. SIMMONS: Present.

MR. COOPER: Delegate Street?

MS. STREET: Here.

MR. COOPER: Delegate Terrell?

(No response.)

MR. COOPER: Delegate Thomas?

MR. THOMAS: Here.

MR. COOPER: Delegate Warren?

(No response.)

MR. COOPER: Thirty-five delegates present at the time of the roll call.

MS. SIMMONS: Madam Chairman?

THE CHAIR: Ms. Simmons?

MS. SIMMONS: Would it be in order to thank the

Mayor for this furniture? I trust that he hasn't stripped the antiques from his household. I just want the record to show our gratitude.

THE CHAIR: Ms. Mason?

MS. H. MASON: Madam Chairman and members of the delegation, Mr. Young ran me down today to make sure that I understand that he made a mistake when he said that the Mayor will not cover the cost of the court reporter. It is to be covered under the category of in-kind services, or services in-kind.

(Applause.)

MS. H. MASON: It is to last through the 90-day period only, and they're asking us to remember as we do this that the cost is very high. So, as we conduct our business, the more expeditiously we can do it, the less the cost will be for the District government. Thank you very much.

(Applause.)

MR. COOPER: For further information, we have some oaths of office and affidavits that have come from the District Building that have to be filled out and turned in by tonight so that Ms. Wells can have them tomorrow. I don't know anything about them.

MS. HARRIS: What are they going to do with them?

THE CHAIR: We don't know that.

MR. CROFT: Madam Chairman?

THE CHAIR: Mr. Croft?

MR. CROFT: Point of information. I'd like to know where this affidavit came from. They say we're appointed. We're not appointed; we're elected by the people.

MR. KAMENY: And not the federal government, which is what the form says.

MR. CROFT: Yes. Therefore, since I'm elected by the people of my ward, I will not sign the affidavit.

THE CHAIR: May I have your attention, please?

So that we won't get off on a discussion about this, maybe it would be helpful that it be sent back so that it could be rectified since you are not appointees, and that's the question somebody raised.

MS. H. MASON: Madam Chairman, may I suggest that we sign the one for elected officials, which is the top one, and just send the others back?

THE CHAIR: But the problem is it has "signature of appointee." That's what was raised. It has "signature of appointee."

MS. H. MASON: We can cross that out and put "elected official." Just cross out "appointee" and put

"person elected," and if that's not good enough, they can send it back.

THE CHAIR: Anyway, there's a form up here for each delegate, and in case you don't have one, the rest of them are here.

MS. HARRIS: Madam Chair, it might be good to know what the entire body is going to do, if they're going to sign the top form and put it on the same form. Is that what we're doing?

THE CHAIR. I'm just saying that there's a form here for each person.

MS. HARRIS: It has been suggested to sign the top part and send them all back. Why don't we do that?

THE CHAIR: Some people have indicated that they're not going to sign it because they are not appointed, they are elected. We're not going to waste any time on it; whatever you all decide to do.

MS. H. MASON: Madam Chairman?

THE CHAIR: Yes?

MS. H. MASON: In order to know what we're doing, why don't we sign the top part and send them back, or somebody can send them back and make sure they give us the proper form?

THE CHAIR: Okay. Now, what is the pleasure of the

body?

MS. HARRIS: Why don't we just send them all back?

THE CHAIR: Just send them back; that's what I suggested.

MS. HARRIS: Just send them all back.

THE CHAIR: Okay, well, bring them back up here so we have them all, so they can go back to be corrected.

(Pause.)

THE CHAIR: Did everybody get a copy of your minutes? If you did not, the minutes are right up here on the table up front.

Now, we have sort of a bad seating arrangement because the reporter has already told me that if you want to be heard and recorded, you're going to have to come up here and speak into this mic and identify yourself for the record. So, you might be in a bad seating arrangement; some of you are a long ways away. Just remember that; when you get recognized, you need to come up here and speak.

Now, did everybody get a copy of the minutes?

MS. NAHIKIAN: I move that the minutes be adopted.

(The motion was duly seconded.)

THE CHAIR: It has been moved and properly seconded that the minutes be adopted. Are there any corrections to

the minutes?

(No response.)

A VOICE: Call the question, Madam Chairman.

THE CHAIR: The question has been called. All those in favor of cutting off the debate before it starts?

MS. SIMMONS: There isn't any debate.

THE CHAIR: Okay. All those in favor, signify by saying aye.

(A chorus of "ayes.")

THE CHAIR: Those opposed?

MS. NAHIKIAN: Wait a minute. I have a correction. I'm not listed as present.

THE CHAIR: You're the maker of the motion, too. Withdraw it and tell us what the correction is.

MS. NAHAKIAN: I'm not listed as present.

THE CHAIR: At the last meeting?

MS. NAHIKIAN: Yes.

THE CHAIR: Will the Secretary make the correction?

MR. COOPER. Yes.

THE CHAIR: Okay. Are there any other corrections? Are there any other corrections to the minutes?

(No response.)

THE CHAIR: All those in favor of adoption of the

minutes, as amended, let it be known by the sign of aye.

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(No response.)

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: The motion carried.

Back down to our agenda.

MS. HARRIS: Madam Chair?

THE CHAIR: Yes?

MS. HARRIS: Point of information regarding parking.

THE CHAIR: You have to identify yourself.

MS. HARRIS: Delegate Harris, Ward 4.

I checked on parking and I found that the parking lot down here on 9th and D is owned by Mr. Antonelli. It closes at 7:00. It would be nice if this body could send a letter to Mr. Antonelli asking him to give us permission to park in there, because after 7:00 nobody is on the lot. The lot is one block down here.

The lot across the street at 10th and E closes at 8:30, so we can park there after 8:30, but not before. I have Mr. Antonelli's address here and phone number.

THE CHAIR: Is it at 10th and E or 9th and E?

MS. HARRIS: Ninth and D.

THE CHAIR: Ninth and D, and 10th and E?

MS. HARRIS: Ninth and D is this way (indicating).

THE CHAIR: Okay, I know where it is.

MS. HARRIS: So, I believe we can probably get parking there because it closes at 7:00 and we'd only have to have an hour's grace, and it's a fairly huge parking lot. So, I'd like to move that we send a letter to Mr. Antonelli asking him to give us permission to park there on meeting nights.

(The motion was duly seconded.)

THE CHAIR: The motion was made by Ms. Harris and seconded by --

MS. HARRIS: Delegate Moore.

THE CHAIR: -- Delegate Moore that this body send a letter to Mr. Antonelli about parking at the lot.

MS. HARRIS: At the PMI lot at 9th and D, Northwest.

THE CHAIR: Discussion? Ms. Nahikian?

MS. NAHIKIAN: Nahikian, Ward 1.

I'd like to ask Ms. Harris the question of whether or not she has any sense of what Mr. Antonelli might want in return for this favor.

MS. HARRIS: We're just going to ask him if we can park there as delegates.

MR. KAMENY: Delegate Kameny, Ward 3.

If I understood you earlier, you indicated that you had some connection or knowledge about the parking lot at 9th and E. Do you have any report on that?

THE CHAIR: Is there any other discussion?

MS. HARRIS: Yes. There was a question about the parking lot at 10th and E.

MR. KAMENY: Ninth and E.

MS. HARRIS: No; 10th and E right here.

MR. KAMENY: No. I was asking you about the one at 9th and E.

MS. HARRIS: Ninth and E, okay.

MR. KAMENY: Yes.

MS. HARRIS: I talked to Mr. Cord, who's the manager at Central Liquor.

THE CHAIR: Well, we have a motion on the floor.

MR. KAMENY: I asked her about the motion and for further information.

THE CHAIR: Is that the same one?

MS. HARRIS: Yes.

THE CHAIR: Okay.

MS. HARRIS: The one at 9th and E -- Central Liquor only has limited hours that they can allow you to park there and because it closes at 8:30, they can't do much after that. But he suggested to me to check with the one at 9th and D, which is what I did, and talked to the man there tonight.

THE CHAIR: That's the motion on the floor, 9th and D, right?

MR. COOPER: Yes.

THE CHAIR: Any other discussion?

(No response.)

THE CHAIR: Hearing none, all those in favor of sending a letter asking Mr. Antonelli about parking at 9th and D, Northwest, in the parking lot, let it be known by the sign of aye.

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(There was one "nay.")

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: Thank you.

Ms. Holmes, are you ready to proceed?

MS. HOLMES: I'd like to say good evening to all the delegates.

(The body responded with "good evening.)

MS. HOLMES: We will move on to the Committee on Committees, Part 2. Delegates Simmons finished Part 1 last night and it was approved. We'll bring her on for the membership of committees on Part 2, Roman number two.

We're on Committee on Committees, Roman number two, "Membership of Committees."

THE CHAIR: Mr. Marcus?

MR. MARCUS: I just have a question for Ms. Simmons when she gets up there.

MS. SIMMONS: Delegate Marcus?

MR. MARCUS: If I can call your attention to Roman numeral 2, Part A, number 3, there seems to be -- I may not be reading it right, but there seems to be an inconsistency in here that "each of the nine delegates shall decide their respective committee assignment." Each delegation may only assign one member to each committee.

A VOICE: No.

A VOICE: No.

MR. MARCUS: That's the way it reads.

THE CHAIR: Ms. Simmons?

MR. MARCUS: Let me finish my question, okay?

If officers, as they stand now, are only ex officio,

non-voting delegates of all committees, then those wards that have officers will then end up being cheated out of committee membership.

MS. SIMMONS: No, that was not our intent. In the reordering, we've asked you to make number 1, 2, and number 2, 3, and number 3, 1. "Each of the nine delegations shall decide their respective committee assignments, but no delegation shall designate more than one of its members for service on any substantive committee."

The officers will serve as members of committees; they will be ex officio of other committees, other than the ones of which they are bonafide, legitimate, functioning members.

MR. MARCUS: So, you saw no need in making that language more specific?

MS. SIMMONS: Well, if it breeds lack of clarity, I have no objection to adding anything that will make it clear.

Mr. Mason?

MR. C. MASON: If you will look at the language that we adopted the day before yesterday, in rule 1.2, A-9 it says, "non-voting member, ex officio, of all committees of which he or she is not a regular member."

MS. SIMMONS: Right.

MR. MARCUS: Correct. Thanks very much.

MR. C. MASON: That, it seems to me, makes clear that the president is a member like any other member of some committees, but is a non-voting, ex officio member of the other committees.

MR. MARCUS: Thank you.

MS. SIMMONS: And our motions were compatible with that.

I would like to move for adoption section II, "Membership of Committees."

(The motion was duly seconded.)

THE CHAIR: Is there any discussion? Any amendments?

(No response.)

MR. KAMENY: I call the previous question.

(The motion was duly seconded.)

THE CHAIR: The previous question has been called. All those in favor, signify by saying aye.

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(No response.)

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: The motion carried.

THE CHAIR: All those in favor of adopting section II, let it be known by the sign of aye.

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(No response.)

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: The motion carries.

Ms. Simmons?

A VOICE: With respect to the section that we just approved, do I understand there's an editorial change that you mentioned to delegates yesterday but that wasn't handed out in writing, in 2B -- the insertion of the words, "The President announces the," which you mentioned to some delegates yesterday?

MS. SIMMONS: I certainly did. I don't have my piece of paper today; that's what I get for loaning it. We had an editorial change; I gave it to the people yesterday.

MR. KAMENY: Do you want me to read it?

MS. SIMMONS: Would you, please?

MR. KAMENY: As I understood what you told me yesterday, on the third line of section B, "Operating Committees," that line should now read, "seven days after the

president announces the convening of the first meeting."

The third line of subsection B, "Operating Committees" -- the third line of that paragraph should now read in full, that one line, "Seven days after the president announces the convening of the first meeting of the ..."

THE CHAIR: Did everybody get that editorial change?

Proceed, Ms. Simmons.

MS. SIMMONS: Very good. Roman numeral 3, "Chairs of Committees"; I move adoption of Roman numeral 3, "Chairs of Committees."

(The motion was duly seconded.)

THE CHAIR: It was moved by Ms. Simmons and seconded by delegate Kameny.

MS. SIMMONS: May I call your attention to the editing changes under Roman numeral 3? Line 1, insert a period after the word "convention," and strike the remaining words, and then add the word "convention." "Each substantive committee shall elect its chair by the majority vote of the committee's members in the manner prescribed by the rules that govern the convention."

"Similarly, a committee may recall its chair by a majority vote of the committee members." That is the insertion after 1. "Similarly, a committee may recall its

chair by a majority vote of the committee members."

MR. COATES: A majority vote?

MS. SIMMONS: Yes, a majority of the committee members, five.

THE CHAIR: Are there any amendments? Mr. Moore?

MR. B. MOORE: I was wondering why you decided along the lines of a simple majority as opposed to two-thirds.

MS. SIMMONS: Well, I'll give you the reasoning behind our discussions. The committee is a very small, intimate, working group -- maximum number nine. We thought that, clearly, the opportunity for interaction can be pulsated and monitored and you can be very aware of it.

And when a majority of a group of nine, which is five, is unhappy with the leadership of a committee, little or no work is accomplished, and we are after the consummation of work of this body. We thought a simple majority ought to be sufficient. Two-thirds just means one more anyway, which is six, and we thought a simple majority was sufficient.

MR. B. MOORE: What happens, though, if at a committee meeting, there are only seven members in attendance. Is it a simple majority of nine members, or a simple majority of --

MS. SIMMONS: A simple majority of the committee.

The committee's membership is nine, so it would have to be five people. We didn't say "simple majority of those present and sitting" or "present and voting." We said "a simple majority of the committee." The committee has a very finite membership, which is nine.

THE CHAIR: Ms. Simmons, I think we have a conflict in "the president shall appoint chairpersons to all committees." That was number 10, so maybe --

MS. SIMMONS: Do you remember we asked them to delay that until the Committee on Committees gave its report so that we could at that time make some progress and, at the same time, have an orderly discussion with regard to this?

THE CHAIR: Thank you.

MS. SIMMONS: The point which the Chair raises has to do with a motion made last Thursday by Vicki Street adding number 9 to section I on officers, suggesting as one of the duties of the officers that the chairs of all committees be appointed by the president.

This body did take action to approve the postponing of the discussion of that matter until the Committee on Committees made its report.

Roman numeral number 3 which I have just asked this body to adopt is chairs of committees, and we have specified

a manner in which those chairs will be elected. And if there is discussion, here and now is the time for that. It was through the body's action that it was delayed, but it was not passed. I want it quite clear that it was not passed last Thursday, a week ago.

MS. HARRIS: Madam Chair?

THE CHAIR: Yes?

MS. HARRIS: Number 1 under Roman numeral 3, along with that discussion, line 5, I can see us striking lines 5 and 6, "the committee shall elect its chair and shall make a report in writing of such election to the convention." Number 2 says, "The president of the convention shall appoint a chair to the ten substantive committees and the two operating committees from among its members." Do you see what I'm saying?

It would be in contradiction to line 5 under 1. Do you see 5 and 6, "the committee shall elect its chair?"

MS. SIMMONS: Yes.

MS. HARRIS: Okay. I'd like to move that we strike lines 5 and 6 under 1, and under number 2, add "shall appoint the chairs of the ten substantive committees and two operating committees from among its members."

(The motion was duly seconded.)

THE CHAIR: Does everybody understand Ms. Harris' motion?

VOICES: No.

MS. HARRIS: My motion is that we delete under roman numeral 3, number 1, lines 5 and 6, and in number 2 add, "ten substantive committees," and it already says "two operating committees from among its members."

It should read, "The president of the convention shall appoint the chairs of the ten substantive committees and two operating committees from among its members."

THE CHAIR: Ten substantive committees and two operating committees; let's get it straight.

MS. HARRIS: "From among its members."

You would take out "a" in number 2, you would take out "two" and insert "a," and insert after "the," "ten substantive committees," and an "and" after that.

THE CHAIR: Mr. Long had his hand up.

MR. LONG: My discussion is preempted by this motion, so I'll wait until we finish this particular thing.

THE CHAIR: Her amendment is on the floor. It was seconded by Ms. Anita Shelton.

MS. GRAHAM: Madam Chair?

THE CHAIR: Yes, you have the floor.

MS. GRAHAM: I'm from Ward 6, and some of my constituents have been very concerned about this particular thing. We've had some members come in from time to time and I have received some letters and some telephone calls, where they feel that we need to assume some responsibility for somebody serving on the committee. What we need to do in the committees is to elect our own.

For that reason, since they did send me here, I have to go along with what they are saying.

THE CHAIR: You're speaking in opposition to the amendment?

MS. GRAHAM: Yes.

THE CHAIR: Nahikian, Kameny and Moore.

Nahikian?

MS. NAHIKIAN: I am speaking in opposition to delegate Harris' motion. I think that I understand a lot of the reasoning why this motion has been made, because I think that we're all honest enough and clear enough to understand some of the issues that we have discussed and debated among ourselves around control of this convention.

I would like to state publicly and for the record -- and I think that I reflect some feeling on the part of other delegates -- that we believe that it is possible to have an

open, democratic process regarding choosing of committee chairs, and that we are willing to go with the will of the majority in that regard.

I think I have certainly stated in the past and I would certainly state again that there is no doubt and no question that I am willing to support and work with an open, democratic process that would allow a maximum amount of participation and would, in fact, be viewed as an inclusionary process.

I think that this is a substantive issue that may affect the work of this convention from here on out and that we must try at this point in time to deal with each other openly and honestly, with a clear and open democratic process that is inclusionary.

I would plead with the delegates not to support the motion because I feel that we are at the point in moving forward with this convention; that that, in fact, will happen and that we are ready, willing and able to trust the will of the majority in a democratic process in this convention. Thank you.

THE CHAIR: Okay. Now, do we have anybody to speak for the motion? We've just had two people to speak against it.

Mr. Robinson?

MR. ROBINSON: Samuel Robinson, Ward 5.

I am in favor of the chairman of the constitutional convention appointing the chairpersons of operating committees and substantive committees. I am in favor for the following reasons.

First of all, I believe that it is incumbent upon us to elect a strong person as our chairman. I believe that that person should have powers of appointment and, in using those powers of appointment, he or she will select the persons on those committees that, one, would be give the committee the kind of leadership that is needed; two, would be cognizant of ward representation; and, three, would select the person who, with the consensus of the committee, would be best suited for the position of chair of that particular committee.

I do not believe that we should not allow our president to -- let me put it this way. I do not believe that we should restrict our president and tie his hands, in a sense, or her hands, and not give him or her the kinds of appointive powers that will be necessary.

I have looked at other conventions and have noted that the chairs of other conventions have had the power of appointment. I think that we are being very --

MR. COOPER: Time.

MR. ROBINSON: I think that we are being very short-sighted if we remove from the person that is elected as our chairman the right or the power to appoint.

THE CHAIR: Do we have another to speak for it?

Mr. Coates?

MR. COATES: Thank you, Madam Chairman.

I speak in favor of the motion for the reason that I fear we would replicate in the ten substantive committees the question as to leadership which might issue forth in our choice of the president of this convention. And recognizing the constraints of time under which we operate, I would hate to see further delay in the resolution of the respective leaders of the ten substantive committees.

So, if we are in agreement -- and I hope that we do forge an agreement to invest any questions of leadership we have in the one place -- that is, the president of the convention --and then having resolved that in the same respect, we will have resolved the questions relating to leadership wherever it's structured in this convention.

So, for fear that there might issue forth, after we have resolved the questions as to the president, ten lesser struggles, we ought to adopt the amendment.

THE CHAIR: Okay, thank you.

Now, Dr. Kameny has had his hand up, Mr. Moore and Mr. Marcus.

MR. KAMENY: Kameny, Ward 3.

I speak as one who was a member of the Committee on Committees. We discussed these matters at some length. First, the members of a committee, while they'll come through an internal ward interaction, will be people who are there, by and large, because, one, they want to be on that committee, they have enthusiasm and interest in the work of the committee. And, two, they will have a certain amount of expertise in the work of that committee.

Therefore, they are the people, that small group on that committee, who really know best who will serve from amongst themselves to do the work of that committee. They are people who have to work closely together for a long period of time and turn out the actual quality work product, we hope, of the convention, and they need to be able to work together; let them make their own choices as to who is to serve.

The president's choices will be only from amongst those same nine people; he's not imposing someone else from outside. Each individual committee, dealing only with itself, will know better than the president, dealing with the whole

group, who will best function in that committee.

Delegate Coates referred to struggles inside the committee. If the Committee on Committees is any indication, we spent considerably under five minutes of casual discussion and had no problem whatever in appointing our chairperson, who did a superb job and led the committee, which worked with a magnificent spirit, about which I intend to say something later on if I'm recognized for a point of personal privilege.

I hope we will set that kind of example for the rest of this convention in all of its committees. I don't enter things assuming there is going to be an adversary situation; I enter things assuming people are going to work in good faith together.

MR. COOPER: Time.

MR. KAMENY: Therefore, I don't see Mr. Coates' point of struggle at all. I urge, therefore, that you vote against the amendment. Thank you.

THE CHAIR: Delegate Moore and Delegate Marcus.

MR. B. MOORE: I'd like to pass, but I have one question, Madam Chairman.

THE CHAIR: Okay.

MR. B. MOORE: Will the maker of the motion explain the rationale for it?

MS. HARRIS: I think that it has been explained fairly well, but in looking over other constitutions I find that the president has that authority. As was stated, the chair would come from within the committee, so we're not talking about he or she going outside of the committee.

So, I think we have to have faith in the person that we elect, whoever that person is. We must feel that that person will be fair and will pick someone that we -- I feel that whoever is ultimately selected should have the qualifications to be the chair. I think any of us here could serve as chair of any committee, so I don't think that that is the problem.

I just don't think we should tie the president's hands. If other conventions did it and had no problem, I don't see why we couldn't follow along.

THE CHAIR: Okay. Mr. Marcus was next.

MR. MARCUS: I'd like to call for the previous question.

(The motion was duly seconded.)

THE CHAIR: The previous question has been called. All those in favor, signify by saying aye.

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(There were four "nays.")

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: Okay, we're back down to the amendment.

MS. CORN: I call for a roll call vote.

THE CHAIR: The previous question has been called; we're down to the amendment -- to Ms. Harris' amendment. It has been requested that we have a roll call vote on this issue.

Mr. Secretary?

MS. EICHHORN: Point of information. Do we have to vote on whether to have a roll call, Madam Chairman?

THE CHAIR: It would be quicker if we just went ahead and got it over with.

MS. CORN: I withdraw the request, Madam Chair.

THE CHAIR: You withdraw the request.

I am going to ask that you stand when voting. What you're voting on is Ms. Harris' amendment to Roman numeral 2, if I'm not mistaken, under the report -- the Committee on Committees' report.

You would delete lines 5 and 6. Number 2: "The president of the convention shall appoint the chairs of the ten substantive committees and two operating committees from among its members." That is her amendment.

Now, all those in favor, let it be known by standing. All those in favor of Ms. Harris' amendment, let it be known by standing.

MR. COOPER: Nineteen.

THE CHAIR: All those opposed to the amendment, please stand.

MR. COOPER: Twenty-one.

THE CHAIR: Are there any abstentions?

(No response.)

THE CHAIR: Okay, the motion carried. The vote was --

MS. CORN: The motion was defeated.

THE CHAIR: Excuse me.

MS. SHELTON: How many delegates do we have present?

MR. COOPER: Forty-one.

MS. SHELTON: Thank you.

THE CHAIR: The amendment was defeated; the vote was 19 for, 21 against.

Mr. Love, was your hand up?

MR. LOVE: No.

THE CHAIR: Somebody didn't vote. There are 41 people present; 40 voted.

Mr. Long?

MR. LONG: I wanted to understand what the first sentence meant there. I'm not sure what rules that govern the convention are referred to.

MR. LOVE: That is that the election will be by roll call.

MR. LONG: That refers to the election of officers?

MS. SIMMONS: Right.

MR. LONG: Okay, thank you.

THE CHAIR: Did you get your answer, Mr. Long?

MR. LONG: Yes.

THE CHAIR: Mr. Kameny?

MR. KAMENY: I call the previous question on Roman numeral 3.

(The motion was duly seconded.)

THE CHAIR: All of those in favor of calling the previous question, let it be known by "aye."

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(No response.)

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: All those in favor of adoption of Roman numeral 3, let it be known by the sign of "aye."

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(There was one "nay.")

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: Okay, the motion carries.

Ms. Simmons?

MS. SIMMONS: Roman numeral 4, "Meetings." You will find on line 4 an editing change. "Members of a committee present at any legitimate committee meeting" is to be inserted. On number 4 of "Meetings" of Roman numeral 4, if you would turn to that page --

MR. KAMENY: Line 4 or item 4?

MS. SIMMONS: It's item 4 on page 4 of Roman numeral 4. I believe that's correct. Following the words "members of a committee," these words are to be inserted: "present at any legitimate committee meeting."

MS. SHELTON: Repeat that part.

MS. SIMMONS: "Present at any legitimate committee meeting." As it stands, we don't really believe that there's a problem, but it says, "A majority of the members of a committee shall constitute a quorum," while we say a majority of committee members could be present in this room just before

the meeting begins and, you know, the formal convention begins, and that is not a legitimate committee meeting. So, that would obviate their being able to take action. The point is here simply to clarify that "present at any legitimate committee meeting" be inserted on line 4, number 4.

And then in 6, add the word "sessions" at the end of "convention." It says, "No standing committee may hold sessions during the convention session." The reason we said "convention session" is because if we don't say that, people think you're talking about the 90-day period, and we are only talking about the calendar time for a day.

THE CHAIR: Reverend Moore?

MR. J. MOORE: Madam Chairperson, Jerry A. Moore, Jr., delegate-at-large.

I'm not clear on what is a legitimate committee meeting.

MS. SIMMONS: Do you want me to answer that?

THE CHAIR: Please.

MS. SIMMONS: Committee meetings, delegate Moore, earlier were defined as having been posted and notified in advance with the time and place, in the official location, unless given exemption.

MR. J. MOORE: Thank you.

MS. SIMMONS: I move for the adoption, with these editing corrections, of Roman numeral 4 on meetings.

(The motion was duly seconded.)

THE CHAIR: It has been moved and properly seconded, with these editorial corrections on Roman numeral 4. Is there any discussion?

Ms. Mason, you had your hand up, or one of the Masons?

MS. H. MASON: No.

THE CHAIR: Moore, Kameny and Corn.

MR. B. MOORE: A few questions of Ms. Simmons.

On Roman numeral 4, part 1, wouldn't it be better to say, "The president of the convention shall inform the delegates?"

MS. SIMMONS: I'd certainly accept that.

MR. B. MOORE: And on Roman numeral 4, part 3 --

MR. KAMENY: Read all of number 1.

MS. SIMMONS: Well, the only members of a committee must be delegates, and if he wants to use delegates --

MR. KAMENY: No. It says at the end of that, "and also provides notice to all delegates," so it already says that.

MS. SIMMONS: Right, it does, yes.

MR. B. MOORE: And on Roman numeral 4, part 3, "A meeting of a committee may be recessed to a specific date by a majority vote of the committee itself," or is that understood?

MR. KAMENY: That's understood.

MS. SIMMONS: Which number are you --

MR. B. MOORE: Part 3 of Roman numeral 4.

MS. SIMMONS: Arabic 3 of Roman numeral 4?

MR. B. MOORE: Yes.

MS. SIMMONS: "A meeting of a committee may be recessed to a specific date by the committee itself. A meeting may also be convened on no less than a 48-hour notice to the committee members by the committee chair. No less than 48 hours' notice of all committee meetings shall be given to all delegates and the public by official posting at the convention's place of business. To the extent practical, such a notice should state the subject to be considered at the committee meeting."

Now, delegate Moore, what is it that you want to do?

MR. B. MOORE: Well, I'm just wondering if it's understood that the committee will recess on a majority vote.

MS. SIMMONS: Well, I think it's understood that a

majority vote in almost any body can take almost any action.

MR. B. MOORE: Okay. Would you explain number 6, "No standing committee may hold sessions during the convention?" What is the spirit of that?

MS. SIMMONS: Yes. In other words, we think it is terribly important that during the convention, while it is in session, all 45 delegates are present and deliberating over the subject matter at hand, and that a committee of the convention ought not to be off, some nine people, holding a meeting someplace else at the time that the text of the constitution is being deliberated by the body.

MR. B. MOORE: Thank you.

THE CHAIR: Dr. Kameny?

MR. KAMENY: I call the previous question on Roman numeral 4.

THE CHAIR: Please don't do that. Please don't do that, I beg of you, because there are people that --

MR. KAMENY: I withdraw the motion.

THE CHAIR: Okay, thank you.

Ms. Corn, and then Ms. Mason.

MS. CORN: Number IV, 1, I think this is just a typographical mistake; line 2, "it's." Do you mean to have an apostrophe there?

MS. SIMMONS: All the way through, we've asked earlier that the apostrophe be taken out of "its" when it refers to committees.

MS. CORN: Okay.

MS. SIMMONS: We do not intend that.

MS. CORN: I'd like to make a motion that number IV, 4, be changed as follows: "A majority of the members of the committee present at any legitimate committee meeting" -- instead of saying a majority, "two-thirds of the members of the committee present at any legitimate committee meeting shall constitute a quorum." That means six people have to be present to have a quorum.

My fear, if I may speak to this --

THE CHAIR: Are you making a motion?

MS. CORN: I made a motion to amend. My fear is --

THE CHAIR: Do we have a second to Ms. Corn's motion to amend that section? Do we have a second?

(No response.)

THE CHAIR: Do we have a second?

(No response.)

THE CHAIR: Your amendment has lost for the lack of a second.

MR. COOPER: Could we have that motion in writing?

MS. CORN: I made the motion.

MR. COOPER: Could we have it in writing, though?

MR. LAWSON: It wasn't seconded, so there's no motion.

THE CHAIR: It wasn't seconded.

Ms. Mason?

MS. H. MASON: Madam Chair, I'd like to ask if the delegate would accept a friendly amendment to say that a notice "shall," but not "should," state the subject to be considered. Would you consider that as a friendly amendment?

MS. SIMMONS: We did discuss that, and let me just share what the committee's thinking was, Ms. Mason. We thought that there may be times when it becomes impossible to indicate an agenda that would be all-inclusive; that, based on the work of the committee, they may be able to get further.

If we say that they "shall," then they are limited to deal only with that which they have put in the notice. Now, I don't think that's major, but it does leave you open to great criticism if you handle something and we have said that you must, or people can say "we expected" -- see, there are going to be public hearings, so we would hope to take care of the opportunities to make input.

MS. H. MASON: Thank you.

THE CHAIR: Now, are we satisfied with that explanation?

MS. H. MASON: Yes, I'm satisfied.

THE CHAIR: Okay. Dr. Kameny?

MR. KAMENY: I move the previous question on Roman numeral 4.

THE CHAIR: The previous question has been called on Roman numeral 4. All those in favor, signify by saying aye.

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(There was one "nay.")

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: The motion carried.

Now, all those in favor of Roman numeral 4, let it be known by standing. All those in favor of Roman numeral 4, as presented out by the chair of the Committee on Committees, let it be known by standing.

MR. COOPER: Thirty-three.

THE CHAIR: You may be seated.

All those opposed to Roman numeral 4, please stand; those opposed, please stand.

(One delegate stood.)

THE CHAIR: Abstentions, please stand.

(Two delegates stood.)

THE CHAIR: The vote is 33 for, one against, and two abstentions.

Proceed, Ms. Simmons.

MS. SIMMONS: I move approval or adoption of Roman numeral 5, "Consideration of Proposals."

(The motion was duly seconded.)

THE CHAIR: Ms. Corn, Ms. Street.

MS. CORN: I have a lot of questions of Chair Simmons, and I believe that they're mostly typographical mistakes or grammatical mistakes.

Line 2, I think that the comma after "committee" should be eliminated. Line 6, the comma after "the first committee" should be a semicolon. Shouldn't it be "formally" instead of "formerly," or do you mean "formerly."

MS. SIMMONS: Yes, right.

MS. CORN: Do you mean "formerly?"

MS. SIMMONS: No. That would have meant "previously," if we had said "formerly."

MS. CORN: Right. Would you explain that sentence?

MS. SIMMONS: There is a formal manner in which things are done, and we are talking about matters formally,

in an appropriate manner, being considered and disposed of.

MS. CORN: You mean not be interchanged?

MS. SIMMONS: That's right. We added an amendment; I gave that to you. Would you read that?

MR. KAMENY: I don't have that, but I do have something --

MS. SIMMONS: Yes, you do have it. I gave it to you yesterday.

MR. KAMENY: I don't have it.

MS. SIMMONS: All right, go ahead.

MR. KAMENY: For Ms. Corn, our feeling was that if, as an example, the Committee on the Legislature spends three weeks carefully and lengthily considering whether we shall have a unicameral or bicameral legislature and decides we shall have a bicameral legislature and votes on it and disposes of it and goes to other matters, three weeks later, for a delegate to come in with a proposal that we have a unicameral legislature, it keeps us going forever and never getting anything done.

So, once the committee has formally disposed of something, it should be done so we can move in an expeditious fashion to other things.

THE CHAIR: Okay. Did that complete your concern,

Ms. Corn?

MS. CORN: Yes.

THE CHAIR: Okay. Ms. Street had her hand up, Mr. Love had his hand up, Ms. Mason, and Mr. Moore.

MS. STREET: Vicki Street, Ward 4.

I wonder if the committee, in the consideration of proposals, discussed the input from community people in any way. Would you enlighten me on that?

MS. SIMMONS: It's Roman numeral 9, Vicki.

MS. STREET: Roman numeral 9?

MS. SIMMONS: Yes.

THE CHAIR: Well, we're not through with this yet.

MS. SIMMONS: I just wanted her to know where that is dealt with. Public hearings: "Any substantive committee may hold public hearings."

MS. STREET: Yes, I read that, but that isn't speaking to the point that I had in mind.

MS. SIMMONS: Okay.

MS. STREET: My thought was that there might be some strong feeling from a community group and they might send something to the chair of the convention, let's say. Are we saying here that that particular community concern does not get into the discussion of any committee?

MS. SIMMONS: No, we're not. I hear what you're saying. Consideration of proposals without committee recommendation is Roman numeral 7. What we provided for was that any community person or group that has a particular interest can communicate with any one of the delegates and ask that delegate to handle or introduce that matter for them into a committee.

So, their entire text, whether it is written or whether they just orally want a delegate to present it -- that's why we've said that notice has to be 24 hours or 48 hours, so that if you have a conflicting committee meeting with a subject area in another committee where you are carrying for your community some input to that committee, that will allow for not having that kind of conflict, and you would be able to make that presentation.

But what we did discuss is it really becomes, with a time certain, which is 90 days, to complete this task -- it permits every community group or any individual who wished to come and talk to each committtee -- we would drag on and that would delay and would not permit us to be able to complete our work.

We think that if it comes in and is handled by a delegate, then they're right on the spot and they can know

where they're meeting and can expeditiously handle that. Since all of us were elected from wards and at-large, we didn't think there would be a problem for any community group or organization to get a fair hearing before any committee from someone within the delegation.

MS. STREET: Thank you.

THE CHAIR: Okay. Mr. Love, and then Ms. Mason.

MR. LOVE: I think delegate Street brings up a very important point. When delegate Jordan, who wrote the section, first introduced the section, the section said "any member of the public or delegate," and I think it's worth us debating here.

I will not make a motion because I was for our committee report, but I think that if delegate Street or other delegates feel strongly that public members should be able to directly give proposals to a committee rather than go through a delegate, they should move it and we should talk about it.

Our feeling in the committee was that there's a possibility that the committees would be so overloaded and inundated by reports that they would not be able to deal effectively with them. But we had hesitations, and I think this is one of those issues where the delegates as a whole should decide. Do we want to open ourselves to being flooded,

but on the other hand allow people from the public to come in with proposals, or do we want to make them go through the delegates?

I think that if you feel strongly and other members feel strongly, we should discuss it as a motion and vote on it, because all of us will have to work in those committees and all of us will have to struggle either with the overload or with the public being upset at the fact that they cannot put proposals directly in without going through the delegates.

THE CHAIR: Ms. Mason?

MS. H. MASON: I pass.

THE CHAIR: Mr. Moore?

MR. B. MOORE: Yes. Does the chair have the right to reject a proposal?

MS. SIMMONS: No. We also provided for that. "A majority of delegates may, by a formal vote" -- this is under Roman numeral 7, delegate Moore -- "require a committee to report to the convention any proposal referred to the committee at a time to be determined by the convention." This is a polite discharge mechanism, in fact.

THE CHAIR: Let him relate his question to Ms. Simmons so that she can answer it and we can get on to the next --

MR. KAMENY: Well, he is a member also.

THE CHAIR: Yes, but she has the floor.

Mr. Moore?

MR. B. MOORE: Go ahead; that's all right.

THE CHAIR: Has your question been answered satisfactorily by Ms. Simmons?

MR. B. MOORE: Not yet, no.

THE CHAIR: Well, let her complete your response to you.

Ms. Simmons?

MS. SIMMONS: I have.

MR. B. MOORE: Could you explain it again? I don't understand. Can the chairperson reject a proposal?

MS. SIMMONS: No. The proposal has to go to the committee.

MR. B. MOORE: It has to go to the committee.

MS. SIMMONS: Remember, proposals that are not brought in through a delegate go to the president of the convention, who, as you will recall in the president's duties, must appropriately refer it to appropriate committees, based on the subject matter. And then we have provided in this aspect the polite discharge notice.

MR. B. MOORE: Now, the last question would be, is

it the committee's feeling that they are opposed to the insertion of "delegate" or "citizen," since it's not mentioned here?

MS. SIMMONS: Yes, for the reasons that were earlier stated. It's perfectly possible for a particular committee to be absolutely -- as a matter of fact, it's an excellent way to frustrate the work of a committee, the net effect being to destroy the completion of the task for a constitution in 90 days.

You know, you could get a group of lunatics that could easily bottle up a committee.

A VOICE: Or just one.

MS. SIMMONS: Well, that's right; one lunatic is pretty effective.

(Laughter.)

THE CHAIR: Does that answer your question?

MR. B. MOORE: Yes.

THE CHAIR: Mr. Mason?

MR. C. MASON: Charles Mason, Ward 4.

Just one conforming amendment that I'm sure you intended, and that is that the chair of the convention should be present at the convention.

MS. SIMMONS: Yes.

THE CHAIR: Where?

MR. C. MASON: In the third line, a little more than halfway along.

MS. SIMMONS: Yes. When we first did this, we did not know that the officer was going to be "president" as opposed to "chair."

MR. C. MASON: I would also point out that there is a certain degree of overlap between this provision and rule 3.1 that came from the Rules Committee.

MS. SIMMONS: Yes.

MR. C. MASON: For the most part, they agree.

MS. SIMMONS: Right.

MR. C. MASON: But there may be some slight changes in language. For instance, 3.1 says "a member of the staff designated by the president."

MS. SIMMONS: Right.

MR. C. MASON: This one says "to be part of the president."

MS. SIMMONS: Yes. That's really a housekeeping and administrative difference and not a substantive one, but I appreciate your pointing it out.

THE CHAIR: Dr. Kameny, you had your hand up?

MR. KAMENY: He already made the comment.

THE CHAIR: Ms. Graham?

MS. GRAHAM: I'd like to make a motion that we adopt V, "Consideration of Proposals."

(The motion was duly seconded.)

THE CHAIR: There already is a motion on the floor to adopt. Will you call the previous question?

MR. KAMENY: I call the previous question.

THE CHAIR: Dr. Kameny has called the question. Is there a second?

(The motion was duly seconded.)

THE CHAIR: We can just merely call for the vote, if there is no opposition.

All those in favor of adopting Roman numeral 5 of the Committee on Committees' report, let it be known by standing.

MR. COOPER: Thirty-two.

THE CHAIR: All those that were voting "for," please be seated. Are there any persons against adoption of Roman numeral 5? If so, please stand.

(No delegates stood.)

THE CHAIR: Any abstentions?

(No response.)

THE CHAIR: Now, I want you to clap your hands and

commend yourselves because all of you agreed unanimously on one item.

(Applause.)

THE CHAIR: Mr. Moore?

MR. B. MOORE: I wonder if the Chair would reconsider. The speaker does sort of block your view.

THE CHAIR: I'm standing.

MR. B. MOORE: I think you could be just as effective to either side.

THE CHAIR: Okay, anything to please the body.

MR. B. MOORE: Thank you.

THE CHAIR: Proceed.

MS. SIMMONS: I move the adoption of Roman numeral 6, "Committee Proposals and Reports."

(The motion was duly seconded.)

THE CHAIR: It has been moved and properly seconded that Roman numeral 6 of the Committee on Committees' report be adopted. Any discussion?

(No response.)

THE CHAIR: Any amendments? Ms. Lockridge?

MS. LOCKRIDGE: This is VI?

MS. SIMMONS: Yes.

MS. LOCKRIDGE: Mine is on VII.

THE CHAIR: Okay. Are there any amendments, discussion, et cetera? Mr. Moore?

MR. T. MOORE: Talmadge Moore, Ward 2.

After the president receives this proposal, does the convention have anything to do with it as far as voting on it, or is this to be the decision of the president?

"The committee shall then transmit proposals to the president of the convention." Is there any other action on the proposal?

MS. SIMMONS: The president determines the agenda for the convention, and it isn't before the convention until the president has so ordered. So, that is implicit, yes.

MR. T. MOORE: Okay.

THE CHAIR: Okay. Are there any other questions or amendments?

MS. STREET: Yes, I have a question.

THE CHAIR: Ms. Street.

MS. STREET: Vicki Street, Ward 4.

In rule 3.2, Madam Chair, under chapter 3, it mentions a minority report. Was it the feeling of the committee not to consider the minority report?

MS. SIMMONS: Roman numeral 8, "Minority reports: one or more members of a committee may make a minority report

or reports."

THE CHAIR: But number VIII is not before us.

MS. SIMMONS: It's just not before us yet.

THE CHAIR: Number VI is before us, okay?

MS. STREET: That has been separated out.

MS. SIMMONS: Yes, we separated it out.

THE CHAIR: Hearing no other comments -- Ms. Mason?

MS. H. MASON: I gather that the provisions for the proposal have a precise, written explanation underneath them, being the same as the report to accompany the committee recommendation?

MS. SIMMONS: Right, right. That's how we end up with the legislative intent.

MS. H. MASON: Thank you.

THE CHAIR: Garner?

MR. GARNER: I'd like to go back to delegate Moore's point. This last sentence where it says, "The committee shall then recommend said proposal to the president of the convention" -- I'm trying to understood the role of the president in setting the daily agenda and the role of the Executive Committee in setting the general policy for the schedule, and the role of the Rules Committee in the thing that we adopted. "The Rules Committee shall determine appeal

regarding the daily calendar."

It's not clear to me, and if that could be made clear, I'll be quiet.

MS. SIMMONS: Okay. Did you want to speak to it, Mr. Cooper?

MR. COOPER: Yes.

MS. SIMMONS: Okay, go ahead.

MR. COOPER: The answer to that is plain and simple. The committee report would only deal with the duties and responsibilities of the committee. Once it's transmitted to the president, we cannot dictate through the committee report what the president would do. That would be something that the Officers Committee would propose in the duties of the president, and we just can't speak to any other parts of the rules.

MS. SIMMONS: And what also is implicit is we do know that the calendar and the agenda are determined; those are administrative functions. The president and officers handle that.

Indeed, there has to be a channel so that there is oversight knowledge of what can be appropriately handled in a given period of time or based on a sequence of days that we're going to be in session. All of us can't determine that

as committees or from where we sit, because again we're dealing with the ear of the elephant rather than the totality of the elephant. So, that's why it goes to the president.

Our committee work has not been completed until it goes there, and then it is properly before the convention, the total delegation.

THE CHAIR: Mr. Mason, and Ms. Shelton.

MR. C. MASON: Some of the questions that have been raised about the proposals when the committees get through with them will be resolved when you get to rule 3.2, which deals with that and will be coming up soon in the Rules Committee.

MS. SIMMONS: Right.

THE CHAIR: Ms. Shelton?

MS. SHELTON: That was exactly my comment.

THE CHAIR: Okay. Are you ready for the vote?

VOICES: Yes.

THE CHAIR: All those in favor of adoption of Roman numeral 6, let it be known by the [illegible] aye.

(A chorus of "a[illegible]

THE CHAIR: Those opposed?

(No response.)

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: Two brownie points.

MS. SIMMONS: I move that Roman numeral 7, "Consideration of a Proposal Without Committee Recommendation," be adopted, as amended.

(The motion was duly seconded.)

THE CHAIR: It has been moved and properly seconded that Roman numeral 7 be adopted. Is there any discussion?

Ms. Lockridge?

LOCKRIDGE: Madam Chairman, I would only like to suggest that one word in it be changed, and that is, in the first line, if you would change "may" to "shall."

MS. SIMMONS: Thank you. You know, as a matter of fact, we had even discussed changing it to "shall," Ms. Lockridge, but then the reason we went back is because here, where it's permissive -- "A majority of the delegates may require a committee to report -- when we say "shall," we're saying that they must, and we did [illegible] to make it mandatory that they had to. [illegible] looked off of the "shall" and left it "may."

MS. HARRIS: They have to consider it; that's right.

MS. SIMMONS: The fact that the provision exists, it then can be executed, but I'm wondering if "shall" says it

has to be that way. That is a question, and I'm open to suggestions.

THE CHAIR: Are you offering this as an amendment, Ms. Lockridge?

MS. LOCKRIDGE: Yes.

THE CHAIR: Is there a second to her amendment?

(The motion was duly seconded.)

Okay. It has been moved and properly seconded that the word "may" be changed to "shall." Would you read it that way, Ms. Simmons, so they will know what the proposal is?

MS. SIMMONS: Yes. As a matter of fact, in this editing page you will see that we have changed it from "may" to "shall."

"A majority of all delegates shall, by affirmative action, require a committee to report to the convention any proposals referred to the committee at a time to be determined by the convention."

Let me just plead another point with you, Ms. Lockridge, on this matter. This would suggest that precluding the agenda would be this mandatory action by the body, and I don't think that we want to have to do that. That's why we put it in and then had some second thoughts, said "shall" and

had some further thoughts, and went back to "may."

THE CHAIR: Okay. The amendment before is "shall" to replace the word "may" in Roman numeral [illegible]. Now, I saw Mr. Love's hand and Dr. Kameny's hand.

MR. LOVE: Delegate Lockridge, I think the point of this is that, normally, we would never vote to have something come out of a committee because the committee would consider things that come up in their report. But it's possible that a proposal would go into a committee and the committee, for some reason, would sit on a proposal and never bring it up, or it would be so late that they would not have time to consider it.

So, the point of this was you might have 50 proposals going in a committee, and if we had to vote that every one of those should come out again, it would be a big mess. But we wanted to be sure that if a committee for some reason didn't act on a proposal that the delegates thought should be acted on, the delegates could get it out of the committee and not let it sit in the committee.

But, normally, we would trust the committees to do their work; they would consider the proposals, come up with the best proposal, and propose it to the delegates at the convention.

MS. LOCKRIDGE: I think you are speaking to just what I was suggesting, so it would not happen that they would sit on it.

MR. LOVE: Well, then, let me ask you, the way you proposed this, every proposal that went into a committee would have to come out again?

MS. LOCKRIDGE: I'm not saying that.

MR. LOVE: Well, I guess I'm confused about the difference.

MS. SIMMONS: I would like to share with the body the interpretation from the Parliamentarian that "shall" does not have the same mandatory weight as "must" or "will," and that there is a teeny-weeny bit of discretion there. Therefore, our concern is allayed in using "shall," and delegate Lockridge's recommendation is compatible and this committee member certainly has no problem with it.

MR. KAMENY: Can you clarify just how much that discretion is?

MS. SIMMONS: Oh, about that much (indicating).

MR. KAMENY: The Parliamentarian might respond, because I'm worried about this.

MR. LAWSON: Judicially, it is not exclusively a mandatory word; it falls short of it. It can be used in a

mandatory sense. It depends on the circumstances in which the word appears, but it's mostly viewed as a mandatory word.

MR. KAMENY: Well, that's what I'm worried about.

THE CHAIR: Dr. Kameny?

MR. KAMENY: My concern was, suppose a committee is dealing with some controversial issue and 457 proposals come in from the public, delegates, the chair or from other places -- contradictory proposals, some making sense, some not making sense. The committee does its work; it thrashes through them, it anguishes over them, and it finally comes out with its results.

Your language, as I interpret it, would mean that every single one of those -- it requires the convention to require the committee to report out each and every one of those 457 proposals individually. Our 90 days will be gone 50 times over by the time we're done. "May" leaves it optional in a reasonable sense.

MS. LOCKRIDGE: That's your interpretation. I understood the Parliamentarian to say that "shall" also would do the same thing.

MR. KAMENY: That was not my understanding.

MS. LOCKRIDGE: I understood that the word "must" would make it mandatory.

MS. SHELTON: And "will."

MS. LOCKRIDGE: And "will."

THE CHAIR: So, there is latitude, Dr. Kameny.

Ms. Mason?

MS. H. MASON: So that the record can be clear, if a committee votes down a proposal, it does not come out, right?

MS. SIMMONS: There's a matter of record of its disposal, but it doesn't come to the convention floor; that's correct.

MS. H. MASON: Okay.

THE CHAIR: Mr. Baldwin?

MR. BALDWIN: The heading of that particular section, section VII, says, "Proposals Without Committee Recommendation." That's what you're talking about -- those proposals without committee recommendation that went to that committee.

When she uses the word "shall," she's only saying that those proposals shall be referred to the convention. It doesn't mean you've got to approve them. You just get up and say, "We received 'x' number of proposals," and you are, in fact, reporting that to the convention.

THE CHAIR: It's the manner in which you report it out.

MR. BALDWIN: Right.

THE CHAIR: It's not mandatory that you read every little line.

MS. SIMMONS: You can say 47 were received.

THE CHAIR: Ms. Shelton?

MS. SHELTON: It says "a majority of all delegates." That means that we voted.

MS. SIMMONS: That's right.

MS. SHELTON: Then are you saying that if a majority of the delegates vote, you have an option as to whether or not you consider that or bring it forward?

MS. SIMMONS: No. Just finish the sentence, Ms. Shelton. It says, "A majority of all delegates shall, by affirmative vote, require a committee to report to the convention any proposal referred to the committee."

MS. SHELTON: So, the key part is "require." So, do I understand that if the convention votes that a proposal will be brought to it, the committee then is required to do that?

MS. SIMMONS: Right. This was the earlier polite discharge notice that I mentioned. It's a little less polite now, but it's all right; you know, there's nothing wrong with it.

MS. SHELTON: Maybe the sentence structure may be reordered so that the last part can appear first, and maybe it would make it a little clearer.

MS. SIMMONS: "A committee may be required to report to the convention by a majority vote of the delegates?"

MS. SHELTON: "May be required to report to the convention any proposals referred to the committee at a time to be determined by" -- "required to report to the convention by a majority vote of all the delegates," since you're speaking of the consideration of proposals without committee recommendation.

MS. SIMMONS: I think that to change the language for greater clarity without violation to the substance is not a problem with this committee.

THE CHAIR: So, that sentence will be changed around. It's the same substance, but rearrangement of the sentence structure. Is that agreed?

MS. SIMMONS: Well, she's suggesting to the drafting committee that their first task might be to style and draft our own rules so that they are brought into harmony in terms of language and style. I think that's really what she's saying, and I think this is a good example for the work of that committee.

THE CHAIR: Yes, but I think that she's specifically saying that that one needs to be changed around. So, make a note of that.

MS. SIMMONS: I did.

THE CHAIR: Now, Mr. Garner, and then Mr. Love.

MR. GARNER: I call for the question.

(The motion was duly seconded.)

THE CHAIR: The question has been called. All those in favor, signify by saying aye.

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(There was one "nay.")

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: Back to Roman numeral 7, are you ready for the vote?

MR. LOVE: We're voting on the amendment.

THE CHAIR: Lockridge's amendment to Roman numeral 7; all those in favor of changing the word "may" to "shall," let it be known by standing.

MR. COOPER: Thirty-four.

THE CHAIR: Be seated; 34 "for."

Those opposed?

MR. COOPER: Two.

THE CHAIR: Abstentions?

MR. COOPER: Three.

THE CHAIR: The vote was 34 for, two against, three abstentions.

Now, with that amendment, we're back to the motion as made by Ms. Simmons to adopt Roman numeral 7, with that amendment.

Mr. Moore?

MR. B. MOORE: Ms. Simmons, I need further clarification. The title, to me, doesn't match the body of the paragraph.

MS. SIMMONS: "Consideration of Proposals Without Committee Recommendation?"

MR. B. MOORE: Yes. Why wasn't a part of the title inserted into the last sentence there? "A majority of all delegates shall, by affirmative vote, require a committee to report to the convention any proposal referred to the committee," that has not been recommended.

MS. SIMMONS: No. When you give a title, then the substance under it refers directly and specifically to that above. I think a note can be made with regard to the editing and drafting committee in terms of your point. I don't think

it's necessary. I don't think it's actually a change of any substance. I think it's simply a technical writing and editing matter.

MR. B. MOORE: You feel it doesn't affect the substance?

MS. SIMMONS: I don't think it violates the sense at all.

MR. B. MOORE: Does anybody share with me my confusion on that?

(No response.)

THE CHAIR: Did you want to recommend an amendment to the drafting committee, Mr. Moore?

Wait just a minute. We cannot have Mr. Moore talking to Mr. Love while somebody else has the floor.

MR. SCHRAG: It seems to me that Mr. Moore's question does contain a substantive point. I understand the purpose of this section to mean that the committee has not taken action on a proposal; it is just button-holing it. It has made no recommendation. Then it may be discharged by the convention.

MS. SIMMONS: Right.

MR. SCHRAG: However, if the committee has considered the proposal at length and has formally taken

action and voted it down, then it may not be discharged by the convention. Is that correct?

MS. SIMMONS: Right, because it has been considered.

MR. SCHRAG: Then it would clarify the intent of the proposal to include something of that title in the text, because that would make it clear that we're talking about proposals that have been button-holed rather than proposals that have been voted down.

THE CHAIR: Can we use some specificity right here so we can get that cleared up and be able to move on? What is the language you're proposing?

MR. SCHRAG: In other words, I would propose to amend the section to add, after the word "committee" on the third line, "which has not been voted upon by the committee."

MS. SIMMONS: No; "acted upon." See, you can act upon something by voting it down.

THE CHAIR: Mr. Schrag, you have the floor.

MR. SCHRAG: I'm just trying to help the committee.

THE CHAIR: You said "which has not been voted upon."

MR. SCHRAG: "Which has not been acted upon."

THE CHAIR: Okay, "acted upon."

MR. SCHRAG: If that is the Committee's intent, I

think that might do it. I'm not trying to make a policy change here. If the committee's intent is the other way around, we could draft it the other way around. I'm just trying to help the committee conform its text to its intent here.

THE CHAIR: Okay. Mr. Coates, Ms. Corn, and Mr. Long.

MR. COATES: Thank you. This is shocking. If we adopt the sense of delegate Schrag, it means that any single committee can control this convention, and this convention has no recourse with respect to a proposal once it is conferred to a committee. The committee has only to say, "We considered it," and it's lost forever to this convention. I'm opposed to that.

MS. SIMMONS: That's correct.

THE CHAIR: Corn, and then Long.

MS. CORN: Corn, Ward 3.

I have to agree with delegate Coates. What delegate Schrag's proposal would do is, presuming a committee is made up of nine members and five is a quorum, and only the five who are the quorum show up that night and three of them vote down a proposal, those three can dominate, and effectively will dominate the entire report of that committee

on that proposal.

I would say for any three of 45 of us to have their way at the exclusion of other people's consideration is a tremendous mistake, and it would be wrong for us to do that. A lot of good ideas will be lost and a lot of people will be alienated. I speak against delegate Schrag's motion.

THE CHAIR: Okay. Mr. Long?

MR. LONG: I think the wording is fine the way it stands; it's very clear to me. "A majority shall, by affirmative vote, require a committee to report to the convention any proposal referred to the committee at a time determined by the convention." That's pretty straightforward.

They can pinpoint a proposal and say, "We want that out."

THE CHAIR: Mr. Schrag?

MR. SCHRAG: I want to make it clear that I was not urging this. I was merely trying to help the committee to have its text conform to its title. Since there doesn't seem to be any support for that, I withdraw my amendment, because it was not a policy recommendation, but merely an attempt to have conformity.

THE CHAIR: He has withdrawn his amendment.

MS. SIMMONS: Madam Chair, I think I reject the

implication that the text is not germane to the title, which I believe also was stated by delegate Schrag.

THE CHAIR: Okay, the record will show your objection.

Now, Dr. Kameny?

MR. KAMENY: I was going to make a remark on the motion on the floor.

THE CHAIR: So, you're passing, right?

MR. KAMENY: I'm passing.

THE CHAIR: Mr. Love?

MR. LOVE: Again, it was our contention that at any time, if the delegates felt strongly about a particular proposal, no matter what the committee had done with that proposal -- rejected it, approved it, or anything else -- the delegates, through a majority vote, could tell the committee to bring it in without any further ado.

It was a way of saying that if there was something the delegates felt strongly about, the committees could not control what was going on. If our language is unclear, which I don't think it is, I think it's important because that was our intent. A majority vote could bring any proposal out, no matter what it received in committee, to the floor.

THE CHAIR: Okay. Dr. Kameny?

MR. KAMENY: I think a lot of people have gotten somewhat hysterical. First, it's obvious that if the committee has recommended something, then this whole section doesn't mean anything because it's unnecessary; it has been recommended. So, that takes care of what delegate Schrag has suggested; we don't need it.

Secondly, it's obvious that things can always originate on the floor, so that the committee has not suddenly copyrighted that and nobody else can reproduce it without plagiarism. Obviously, somebody can bring it out on the floor if they want to, so I just don't see the point of all this furor.

THE CHAIR: Okay. Mr. Garner, and then Mr. Bruning.

MR. GARNER: I have the pleasure of calling the question.

(The motion was duly seconded.)

THE CHAIR: The question has been called. All those in favor of cutting off debate, let it be known by the sign of aye.

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(There was one "nay.")

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: Okay, now, we're back to your original proposal, Ms. Simmons, including the "shall" substituted for the word "may." All those in favor of adopting Roman numeral 7, with that change, let it be known by saying aye.

(A chorus of "ayes.")

THE CHAIR: Those opposed?

(There was one "nay.")

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: Okay, one nay.

Ms. Simmons?

MS. SIMMONS: Roman numeral 8, "Minority Reports," I move adoption.

(The motion was duly seconded.)

THE CHAIR: It has been moved and properly seconded that we adopt Roman numeral 8. Is there any discussion?

(No response.)

THE CHAIR: Is there any discussion on Roman numeral 8? Any discussion?

(No response.)

THE CHAIR: Hearing none, I'm calling for the vote.

All those in favor of Roman numeral 8, let it be known by standing. I want to see if you're listening.

MR. COOPER: It's unanimous, Madam Chairman.

THE CHAIR: Please be seated.

Those opposed?

(No response.)

THE CHAIR: Abstentions?

(No response.)

THE CHAIR: You have just voted unanimously on three items.

(Applause.)

THE CHAIR: Ms. Simmons?

MS. SIMMONS: I just simply call to your attention that this editing and clarification page with the editing committee will be put together. As you will recall, in VIII the last sentence became the first one; it was simply a reordering of that one, defining minority reports first.

Roman numeral 9, "Public Hearings," I move the adoption of Roman numeral 9, "Public Hearings."

(The motion was duly seconded.)

THE CHAIR: It has been moved and properly seconded to adopt Roman numeral 9, "Public Hearings." Is there any discussion?

Mr. Baldwin?

MR. BALDWIN: Baldwin, Ward 7.

I will not make this as an amendment, Madam Chairman; it's just something for your consideration. I've heard some prior explanation regarding filing with the president. I think matters, especially one as serious as public hearings, need some additional wording rather than "filing with the president."

There are things that should be considered by delegates at the convention, and I know you've said "filing with the president" means he will, in fact, make it an agenda item.

MS. SIMMONS: Yes.

MR. BALDWIN: But it doesn't necessarily mean that; it doesn't have to mean that. I think somewhere along the line, we need to say the delegates, especially when it comes to public hearings, will make a determination as to what substantive committees will hold public hearings.

You can file it with the president, and I understand your statement that he will make it an agenda item, but he doesn't necessarily have to.

MS. SIMMONS: Your point is well taken, delegate Baldwin. The last sentence also makes it very clear that the